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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In Re:) Chapter 11
BCE WEST, L.P., et al.,) Case Nos. 98-12547 through
Debtors.) 98-12570-ECF-CGC
EID: 38-3196719) Jointly Administered
) MOTION FOR EXPEDITED
) HEARING ON MOTION FOR
) APPROVAL OF FOURTH
) AMENDMENT TO DEBTOR IN
) POSSESSION CREDIT
) AGREEMENT (DE 1160)

BCE West, L.P., Boston Chicken, Inc., Mayfair Partners, L.P., BC Great Lakes, L.L.C., BC GoldenGate, L.L.C., B.C.B.M. Southwest, L.P., BC Boston, L.P., BC Superior, L.L.C., BC Heartland, L.L.C., BC Tri-States, L.L.C., Finest Foodservice, L.L.C., BC New York, L.L.C., R&A Food Services, L.P., P&L Food Services, L.L.C., Mid-Atlantic Restaurant Systems, Inc., BCI Massachusetts, Inc., BCI Southwest, Inc., BC Real Estate Investments, Inc., BCI Mayfair, Inc., Progressive Food Concepts, Inc., BCI R&A, Inc., BCI West, Inc., BCI Acquisition Sub, L.L.C., and Buffalo P&L Food

1 Services, Inc., debtors and debtors in possession (the “Debtors”) request the Court to an
2 order setting an expedited hearing with respect to the Debtors’ motion for Approval of
3 Fourth Amendment to Debtor in Possession Credit Agreement. (DE # 1160). In support of
4 this Motion, Debtors state as follows:
5

6 **I. JURISDICTION**

7 1. Pursuant to 28 U.S.C. §§ 1334 and 157, the Court has jurisdiction to hear
8 this motion. Pursuant to 28 U.S.C. § 157(b)(2)(A) and (O), this Motion presents a core
9 proceeding. The relief requested may be granted pursuant to Sections 105 and 363 of the
10 Bankruptcy Code.
11

12 **II. BACKGROUND**

13 2. On October 5, 1998 (the “Petition Date”), the Debtors filed their voluntary
14 petitions for relief under Title 11, Chapter 11 of the United States Code. Since the
15 Petition Date, the Debtors have continued to operate their businesses and manage their
16 properties as debtors-in-possession pursuant to 11 U.S.C. §§ 1107 and 1108. The
17 separate petitions are now jointly administered pursuant to an order of this Court.
18
19

20 3. On or about September 2, 1999, Debtors filed their Motion to Approve
21 Fourth Amendment to Debtor In Possession Credit Agreement

22 4. On September 2, 1999, an Order was entered by this Court setting a hearing
23 on this matter for September 16, 1999 at 11:00 a.m.
24
25
26

1 5. The present Credit Agreement will expire on September 13, 1999. In the
2 event no extension of the Credit Agreement has been approved prior to September 13,
3 1999, the Debtor may be in default of the Agreement.
4

5 6. The Debtor is not seeking to shorten the notice period required under
6 Bankruptcy Rule 9006. Pursuant to local Rule 9013(h) all parties listed on the Official
7 Service List have been served with a copy of the Motion. The agents for the lenders have
8 consented to the Amendment.
9

10 **III RELIEF REQUESTED**

11 7. The Debtors request that the Motion for Approval of the Fourth
12 Amendment to the Debtor In Possession Credit Agreement be set on the Court's docket
13 for hearing prior to September 13, 1999 so that the Court may rule on the Motion prior to
14 a potential default under the Agreement on September 13.
15

16 Respectfully submitted this 3rd day of September , 1999.

17 DEBTORS AND DEBTORS IN POSSESSION

18 By: /s/ Gerald K. Smith
19 One of their Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 3, 1999, the foregoing document was served by both E-mail and first class United States Mail, postage prepaid, on all parties on the Master Service List #12 dated August, 26, 1999

_____/s/ Marilyn Schoenike